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PETITION

OF THE

HOUSE OF ASSEMBLY OF LOWER CANADA,

To the King,

AND THE

TWO HOUSES OF PARLIAMENT:

ADOPTED IN CONSEQUENCE OF THE DISCLOSURE OF THE INSTRUCTIONS
TO THE GOVERNOR AND COMMISSIONERS.

LONDON:

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UNITED STATES OF AMERICA, 1900

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CORRECT COPY of the PETITION of the
HOUSE OF ASSEMBLY of LOWER CANADA, to
the BRITISH PARLIAMENT, as it passed on
Friday, 26th February, 1836. Ayes, 55 ;
Noes, 7.—Majority, 48.

TO THE KING'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY :

WE your Majesty's faithful and loyal subjects, the Commons of Lower Canada, in Provincial Parliament assembled, humbly approach your Majesty's throne, for the purpose of expressing once more, in the name of the people we represent, our firm though respectful opinion of the necessity of the reforms we have so often prayed for, in the Constitution of this Province, and of the redress of the grievances and abuses which have prevailed therein. We seize the same occasion to make known our sentiments with regard to a portion of the recent views and determinations of your Majesty's government, in so far as it has been possible for us to become acquainted with them. We pray your Majesty to believe in our sincerity. We desire, as the representatives of a people who have even in times of difficulty shown a strong attachment to the empire over which your Majesty presides, not to forget the sentiments of respect we owe to your Majesty's sacred person, and which your Royal attributes require ; but at the same time it would be culpable in us to sanction by our silence any misconception with regard to the nature of the improvement and reforms required, or to the constitutional and practical system of government which we desire to see established in this province, and which we believe to be equally in accordance with the true principles of the constitution, the incontestable rights of the inhabitants of this province, and their natural and social position, and with their wishes, interests, and necessities. When we solemnly repeat, that the principal object of the political reforms, which this

General summary of reforms demanded.

House and the people of this province have for a great number of years used every effort to obtain, and which have frequently been detailed to your Majesty, is to extend the elective principle to the Legislative Council, a branch of the provincial legislature, which by its opposition to the people, and by reason of its imperfect and vicious constitution, has proved insufficient to perform the functions for which it was originally created;—to render the executive council directly responsible to the representatives of the people, conformably to the principles and practice of the British Constitution as established in the United Kingdom;—to place under the wholesome and constitutional control of this House the whole public revenue raised in this province, from whatever source derived;—to obtain the repeal of certain acts passed by the parliament of the United Kingdom, in which the people of this province are not represented, with regard to the internal affairs of this province, making its territory and best resources the subject of unfair speculation and monopoly, and which we hold to be a violation of the rights of the legislature and of the people of this province;—to ensure equal rights and impartial justice to all classes of the inhabitants of this province;—to abolish sinecures and the accumulation of incompatible offices;—to redress the numerous abuses which prevail in the various departments of the public service;—to obtain for the provincial legislature, with regard to the internal affairs of the province, and more especially over the management and settlement of the waste lands thereof, for the benefit of all classes of your Majesty's subjects, without distinction, that essential control, which would be the direct consequence of the principles of the constitution;—when, we say, we respectfully repeat to your Majesty these our demands, and declare our firm intention to persevere in asking them, as being alone calculated to ensure the liberty, peace, and welfare of this province, and the confidence of the people in the government, and to cement their political union with the United Empire, we can scarcely fear that we should not be understood by your Majesty. We shall, however, add to our humble declarations, some new facts which must tend yet more to convince your Majesty of the justice of what we ask, and of the correctness of the view we take of the common interest of the mother country, and of this colony.

Expectations raised by the conduct and speech of the governor.

We are bound in the first place to thank your Majesty for having recalled the head of the executive government, and for having appointed as his successor a distinguished personage, who, independently of his qualifications as an individual, of which we have no motive for doubting, was, from his previous habits and position, more likely to comprehend our wishes and our wants. At the opening of the present session of the pro-

vincial parliament, we had to applaud the principles of order and justice announced in the speech delivered from the throne, by his excellency the Governor in Chief of this province, on divers matters connected with the administration of the government, and which might become the subject of our deliberations. In our firm hope that the efforts of your Majesty's government to do full justice to the people of this country, would be continued without relaxation, in a spirit of enlightened liberality, we have by our answer shown that confidence could still exist on our part, and on that of the people, in your Majesty's government. We believed so much the more firmly, that the declarations of which we have just spoken, and the extraordinary attributions and circumstances which accompanied the usual powers of your Majesty's representative, were our guarantees that the essential and vital subjects which were only spoken of to us as matters for the future deliberation and decision of your Majesty and your parliament, would be looked at in the same comprehensive spirit, and with the same views, and, above all, that the researches and determinations adapted to throw light on the solution of these weighty questions, would not be restrained by any formal refusal of the demands which were to form the matter of investigation, nor by any final determination to maintain at all events, the pretensions raised from time to time on divers subjects of colonial policy by your Majesty's responsible Ministers, and which called forth the remonstrances of this House and the people; matters which, as your Majesty was pleased to assure us, were to be equally the subject of research and deliberation. We thought, that without bringing forward unjust and inapplicable theories of metropolitan domination and colonial abasement, without recurring to a system proved false by memorable examples, regard would be had exclusively to the principles of the constitution, the mutual interests of all parties, and the peace, welfare, rights, wishes and wants of these important portions of the British dominions.

It could therefore only be with lively anxiety that we were brought to suppose, from the knowledge which reached us, at first indirectly, and afterwards by the official channel, of certain extracts from a despatch dated the 17th July 1835, addressed by your Majesty's Principal Secretary of State for the Colonies, to certain persons in Lower Canada (unacquainted as we moreover are with the tenor of the other parts of the same document, and with any subsequent instructions) that in point of fact, the researches authorized by your Majesty, for the purpose of ascertaining the means of doing justice to your Canadian subjects, were on several of the most essential points limited by preconceived opinions and anticipated decisions in the manner herein before set forth. We are bound on this head to declare,

Disappointment caused by the disclosure of instructions to the commissioners.

that in the face of obstacles like these, if your Majesty's government should persist in maintaining them, and withhold your royal assent to the essential reforms we expect, no measures of minor importance can have the effect desired; that the delay occasioned by the investigations announced, will serve only to embolden the enemies of the people of this province and of your Majesty's government in their hopes of dissension and violence, and that the best intentions, or even acts on the part of the head of the provincial executive, even in conjunction with the efforts of this House, and of the people, might be wrecked in contending against the deep rooted system of vice and abuse which has robbed your Majesty's government in this province of all efficiency and respect, and has endangered the liberties and safety of the inhabitants of Canada.

First reform
demanded. An
elective legisla-
tive council.

At the head of the reforms which we persist in considering as essential, is the introduction of the principle of popular election into the constitution of the Legislative Council. The people of the country, without distinction, regard this body, as at present constituted, as factiously opposed to its institutions, its state of society, its feelings and its wants, and as having been and as being necessarily the strong-hold of oppression and abuses. They continue in like manner to believe that any partial reform which shall stop short of the introduction of the elective principle, will be altogether insufficient, and will, as leaving the inherent vice untouched, bring back the same evils and the same collisions. We think, that with regard to the constantly baneful action of the legislative council, we have amply explained ourselves to your Majesty, and that no other proof that the past and present acts of that body, is needed to remove all doubt as to the nature and spirit of the improvements to be introduced into it. We look, in this respect, upon the Act of 1791, giving legislators for life to the Canadian provinces, at the mere pleasure of the executive authority, as an unfortunate experiment, followed by most unhappy consequences. We also look upon this experiment as entirely foreign to the British constitution. We regret that in the extracts from the despatches we have mentioned, an attempt is made by begging the question to infer an analogy which does not exist, for the purpose of aggravating certain specious objections against an elective council. We would respectfully pray your Majesty to remark, that the influence which prevailed in the councils of the empire, at the period when the Act of 1791 was passed, was calculated to give an undue preponderance to the aristocratic principle, while in America, the independent state and the progress of society, repelled any doctrine of this nature, and demanded the extension of the contrary principle. We must also express our regret, that while your Majesty's representative in this province has solicited the

co-operation of the two houses of the provincial legislature to labour at the reform of abuses, and while this house is fully disposed to grant that co-operation, the constant opposition of the legislative council is of a nature to prevent so important an appeal from being followed by any result. For ourselves we are conscious that we have ever been, and are still guided in our labours by our conviction of what was for the greatest advantage of the people, and best adapted to cause your Majesty's government in this province to be respected, cherished, and strengthened: and firm in our determination to pursue the same course, we pray your Majesty to believe that we shall not depart from it.

We are not ignorant that some individuals interested in the maintenance of bad government, and accustomed to a system of ascendancy and domination, pretend that harmony might be established between the constituted authorities in this province, by introducing in its territorial limits, or in the representation of the people, violent changes, of which the sole end would be to deprive a numerous portion of your Majesty's subjects of a due participation in the advantages of the constitution, and to establish invidious political preferences, as a prelude to the subversion of the institutions of the province, at the very time when your Majesty's government is proclaiming principles of equal justice to all, and acknowledges the excellence of our institutions. We rely too much on the honour of the government to believe in the possibility of attempts which would destroy all the ties that bind the people to Great Britain, and would force them to regret their allegiance. We cannot, however, but express our regret, that in the extracts already mentioned as well as in several other instances, it has appeared as if the same importance was attached to the calumnious representations of a small number of individuals, supporting the abuses of past administrations, as to the solemn deliberations and unvarying opinions of the representatives of the people, who form a branch of the legislature, which no prejudice against their origin can succeed in causing to be regarded as less essential than the other and co-ordinate branch. In this systematic practice of assimilating a recognized authority, acting in a constitutional capacity, to the disorderly passions which seek to overthrow it, the people of this country might in the end see a desire to misunderstand the essence and unity of the popular principle acting in the government, while the aristocratic principle is upheld, by attaching it to the legislative council, as if it were part of the essence of the constitution itself. We have at least the satisfaction of seeing that the great body of the inhabitants of this province, of every creed

and of every origin, are satisfied with the share they have in the provincial representation, and that our fellow subjects of the less numerous origin in particular, acknowledge the spirit of justice and brotherly love with which we have endeavoured to ensure to all the inhabitants of the country a participation in its political and natural advantages. We perceive in this happy union another guarantee of good government, and an antidote against the tortuous policy, which it is sought to support by unjust distinctions.

Even admitting, in opposition to principles and to facts, that the legislative council of Lower Canada had some analogy to the House of Lords, it would not follow that the constitution of the said council ought not to undergo any change, when such change had become necessary to the stability of the government, and to the common welfare of the people; since the happy modifications in the institutions of the United Kingdom, which have assured to seven millions of men their civil and political rights, which have dispensed with intolerant tests, and have purified and equalized the representation of the people, although opposed at first by the powers of the day, as contrary to the constitution, found at length their place in the statute book, to the great benefit of your Majesty's government, and of your subjects. What the inhabitants of the three Kingdoms asked and obtained for themselves, under given circumstances, we ask for ourselves under circumstances very little dissimilar, and we believe that when we shall have obtained them, the constitution will have lost nothing of its essence or of its efficiency, but will, on the contrary, have acquired an element of strength and activity, rendering it more fit to attain the object of its institution, the happiness and contentment of the people.

Respecting as we do the expression of the royal pleasure, we yet regret that the Ministers of the Crown should have declared that your Majesty was most unwilling to admit that the question of an elective legislative council was a subject open to debate in this province. We beg to be permitted to represent to your Majesty, that it is not within the province of the Colonial Secretary to limit the subjects which are to engage the attention of this house and the people it represents, within the required forms with the view of improving the laws and condition of the province. Against this infringement of the liberties of the subject, by one of your Majesty's responsible servants, we dare to appeal to the supreme authority of the empire, to that of your Majesty, sitting in your high court of parliament.

We do not intend to discuss the historical points of English Colonial Government on which we venture to differ with your Majesty's Ministers. Time has solved the problem, and we

firmly believe that those happy countries to which these questions refer, would never have attained the degree of prosperity which they now enjoy, either under the old colonial government, or under a system like that which successive Colonial Ministers have established and maintained in this colony.

On the subject of the Executive Council, we abstain from entering on any details, because we hold this question to be closely connected in practice with the other more important subjects of colonial policy. We shall confine ourselves to saying, that the full and entire recognition of the rights of this house and of the people, by those whom your Majesty may be pleased to call to your councils, and their constitutional responsibility based upon the practice of the United Kingdom, will be essential motives for confidence in your Majesty's government.

We have also asked, and we now again ask, for the repeal of certain noxious acts, of which the people of the country have complained: we wish, among others, to mention the Act of sixth year of our late Sovereign George the Fourth, your Majesty's royal brother, chapter 59, commonly called the "Tenures' Act," and also the more recent Act granting certain privileges to a company of individuals residing chiefly in London, whose object is to make the lands of this province a subject of speculation. With regard to the former of these Acts, its nature and its effects, our complaints have been so detailed, and so numerous, that we shall abstain from repeating them. We shall only add, that recent decisions of the superior tribunals of the country have refused any validity to the proceedings of the pretended court of Escheats established by the said Act, which has in fact merely served as a pretext for creating several sinecures, paid out of the public revenue of this province, and which we have not recognized and will never recognize. We pray your Majesty, then, that being at length convinced of the baneful effects of the said Act, on the social institutions of this province, the common rights of its inhabitants, and the settlement of the waste lands therein, without its containing one redeeming beneficial provision, but when on the contrary it has tended solely to favor the seignor, while it professes to be intended for the relief of the mass of the censitaires, it may please your Majesty to recommend to your parliament the immediate repeal of the said Act, in order that the provincial legislature may be no longer prevented from enacting laws (as it has the right to do) on the numerous subjects which it has been pretended to regulate by the said Act, and in order that we in particular, as one branch of that legislature may do justice in that behalf to our constituents, in a manner adapted to their interests and their wants, with which we have better means of being acquainted than any authority sitting without this pro-

Second reform
demanded the
repeal of 'Te-
nures' Act, and
the act creating
the land com-
pany.

vince. On the subject of the latter of the said Acts, we have, as well before it was passed, and with the knowledge and approbation of your Majesty's Ministers while it was in progress through the houses of parliament, as since that time, made equally numerous representations. We know that one of the effects of this Act, besides authorising monopoly in improved lands, already owned and occupied by the people of this province, has been to confirm the illegal sale of nearly a million of acres of the waste lands of this province, made to the said company, in addition to the unusual privileges it confers on the said company, with regard to the application of the proceeds of the said sale,—privileges which belong solely to the provincial legislature whose powers have been therein usurped. This subject is also closely connected with the incontestable right of British subjects inhabiting this province, and of those who come to settle therein, not to be taxed without their free consent expressed through their representatives. The said sale has also rendered impossible the free settlement of the most advantageous portion of the accessible lands, and, properly speaking, the only portion of these lands which had escaped the action of the system of fraud, speculation and monopoly, which the servants of your Majesty's government in this province have constantly maintained in this department. We humbly believe, that independently of the high considerations aforesaid, an essential point of the public law of the country has been lost sight of, namely, that the waste lands of this province are not, may it please your Majesty, of the same nature as the hereditary and patrimonial property belonging to your Majesty's crown, any more than they had that character when they were held by his most Christian Majesty. They formed then, and we deem that they form at this day, part of the public domain of the State, which in the several dependencies of the empire, is committed to your Majesty's paternal care, for the benefit of their inhabitants and of other subjects of your Majesty who may wish to settle therein, and is subject to the supreme authority of parliament: and we conceive that in this province the provincial parliament is fully and exclusively invested with this authority, the exercise of which we shall never willingly renounce. We believe we have given too many proofs that we are perfectly disposed to exercise it for the advantage of all classes of your Majesty's subjects, to render it possible that any consideration foreign to the laws and constitution, should induce the parliament of the United Kingdom or your Majesty's Ministers, forcibly to abridge on this point, the rights of the provincial parliament.

If other arguments than those drawn from constitutional law, and from the public law of the country, were requisite to demonstrate the correctness of the view we take of this question

we would say,—that in practice, other portions of the public domain of this province, which were a source of profit at an earlier period, have continued to be administered as having precisely the same character as before the cession of the country,—that in divers instances no objection has been raised to various acts of the provincial parliament on matters therewith connected,—and that from the moment when the very act which defines the forms of our present constitution went into operation (a circumstance which cannot but have weight with your Majesty) your Majesty's government has recognized the nature and destination of the waste lands of this province, by the very circumstance of reserving and continuing to this day to reserve a seventh part thereof, to belong more particularly to the crown, and to be under its special control. Instead of this seventh, the executive authorities have taken possession of the whole of these lands, of which they have disposed for the personal advantage of their members, and of their friends and subalterns, for the purpose of planting corruption in the representation and among the people, of securing an undue irresponsibility in the provincial administrations, and of withdrawing them altogether from the control and influence of this house. To justify their former waste, and to retain the same means of bad government for the future, the same authorities established as a doctrine what had theretofore been only a culpable act; and these pretensions, rendered powerful by their own effects, have unhappily made their way to your Majesty's throne, and to the supreme council of the United Kingdom.

Under the ancient government of Canada, the settlement of the wild lands, under a system as regular and easy as possible, and adapted to the circumstances of the climate, the laws, manners and locality, by the then inhabitants, and by others of their fellow subjects who come to settle among them, was regarded as a point so essential, that a great portion of the ancient law of the country relates to this subject, and lays down rules which ensure the right of the population to obtain lots of lands for the purpose of cultivating them, and which establish the relative rights of all parties interested. We conceive, that the power of ensuring the efficiency of these laws, of modifying them, or enacting others in their stead, in case of need, has devolved solely upon the provincial parliament. We regret that since the change of dominion, the exactions of certain seignors and the undue favours which have been conferred on others under the Tenures' Act, on the one hand, and the pretensions of the executive to dispose of these lands without control, on the other hand, have entirely nullified the advantages which were best adapted to advance the moral and physical welfare of the people, and to give stability to

Evils connected with the present system of granting lands.

their institutions and to their political existence, as a happy and affectionate portion of your Majesty's subjects. We are sure that the people of Canada, of whatever origin, have equally had reason to complain of the vices and abuses above mentioned. We cannot believe that while rights so essential were recognized and respected under an absolute monarchical government, the operation of the British constitution, though imperfect in its application to this province, will be absolutely insufficient to maintain them.

Your Majesty cannot but know that the climate of this portion of the world, and other peculiar causes, render the clearing of lands, in order to bring them under cultivation, one of the chief resources of the surplus population of the old settlements, and the surest mode of investing the very moderate capital possessed by the people of the country. The resources which the waste lands would afford in point of revenue, under a wise system of management established under the authority of the provincial parliament, would be equally necessary as a provision for the support of your Majesty's provincial government, and for the completion of the numerous local improvements made requisite by the increase of the population, the emigration from the United Kingdom, and the state of a rising country. These resources are so important in both these respects, that if left to the unrestrained disposal of the executive, they would destroy the constitution, purchase the adherence of men made powerful by the authority vested in them, and give the administration ample pecuniary means equivalent to the other revenues of the province, and consequently the power of governing arbitrarily in defiance of the authority of the legislature. We state as a fact, that such has been in effect the system which has prevailed in this province, and has been an inexhaustible source of evils and abuses. We attach so much importance to this subject that we are firmly of opinion, that without the legislative and constitutional authority of the provincial parliament over the lands of the provincial domain, and the revenue arising from them, the power vested in the legislature to make laws for the peace, welfare, and good government, of this province, would be altogether nugatory. Your Majesty may infer from this how much we differ from your Majesty's Minister, when in one of the extracts from despatches above mentioned, while commenting on the tenure of public offices in the province, in a manner which seems to us but little applicable to the subject, he appears, on the contrary, to wish to curtail the influence of the representatives of the people over the persons composing the administration, because this house must be animated by the spirit of the people, while we regard this latter circumstance as a most fortunate one, and as a pledge for the due and

efficient conduct of public officers, and for the security of those whose affairs they administer.

We therefore pray your Majesty to be pleased to recommend to parliament the repeal of the said act passed in favour of the land company, and also that it may please your Majesty to adopt legal means for annulling all the undue privileges incompatible with the rights of this province, which is the object of the said act to confirm, or of which it may have been the source. We also humbly pray your Majesty to be graciously pleased, with regard to the matters relative to the public domain and the land of this province, to recognize the rights of its legislature and of your faithful subjects therein, to the end that we be no longer prevented from labouring as a part of that legislature, and with the consent of your Majesty as the first branch thereof, to render available all the resources of the country for the support of your government therein, and for the equal benefit of all your subjects who inhabit this province, or may come to settle in it, and more especially to ensure to all without distinction the means of settling on the waste lands, under an easy system, and on such conditions as shall be found most advantageous.

Third reform demanded.
Complete parliamentary control over the whole of the lands belonging to the colony.

On the subject of the independence of the judges, we see with pleasure that there exists no difference between the views of his Majesty's government and our own. We regret that our efforts to carry those views into effect have been misunderstood. Since that time the modifications which have rendered the character of the legislative council worse, while it was pretended to improve it, have convinced us that it would be of no advantage to the due administration of justice to proceed on the same basis. We shall not, however, abandon the consideration of the subject, and we shall attentively examine any plan which shall appear to us well adapted for the attainment of the desired end.

Independence of judges.

What we have now said will suffice to show your Majesty what our views are, with regard to the politics of the colony as a whole, to the functions and powers which we believe to belong to the provincial legislature on all matters relative to the internal affairs of the colony, and with regard to what we conceive to be the best means of ensuring activity, efficiency and responsibility in the public service. We would suggest to your Majesty, that there are on this portion of the American continent, more than a million of your Majesty's subjects, composing the colonies of Upper and Lower Canada, who, speaking different languages, and having a great diversity of origin, laws, creeds, and manners, characteristics peculiar to them respectively, and which they have severally the right to preserve as inhabitants of a separate and distinct province, have yet come to the conclusion that the institutions common to the two countries ought to be

Similarity of demands made by Upper and Lower Canada.

essentially modified, and that it has become urgently necessary to reform the abuses which have, up to this day, prevailed in the administration of the government. We rejoice that we have, in our just claims, the support of our brethren of Upper Canada. This support will demonstrate to your Majesty and to our fellow subjects in all parts of the empire, that we have been sincere in our declarations, that the circumstances and wants of the two Canadian provinces do indeed require a responsible and popular government, and that we have been actuated by no narrow views of party or of origin in demanding for many years of your Majesty that such a government may be granted us.

With regard to the protection and to the equality of rights which your Majesty's subjects in this province are entitled to, the remedy of evils and abuses, the abolition of sinecures and pluralities, the expected formation of an executive council on the principles above set forth, and to divers other subjects more particularly mentioned in the speech from the throne at the opening of the present session, we refer to our answer to his Excellency the Governor in Chief; and we ardently wish that the views and instructions of your Majesty's government on essential points, may be of a nature to facilitate the results which your Majesty's representative has been pleased to promise, and which it will afford us the most lively satisfaction to see attained.

In the extracts from despatches hereinbefore cited, there are certain passages which induce us to believe that we have not made ourselves understood by your Majesty's government, with regard to the nature of the control we desire for the provincial legislature over the waste lands of the public domain of the province, and which might cause some misapprehension in the opinion of our fellow subjects. We have never claimed to exercise over this portion of the affairs of the government, any other authority than the parliamentary and constitutional authority which we are entitled to exercise over all the other affairs of the country, in so far as the peace, welfare, and good government of the country may be therein concerned. We have already set forth at length our reasons for believing that this authority belongs to us. On this head, as on all others, our wish is that the due execution of the laws may remain in the hands of the executive authority, within the limits prescribed by the laws and the constitution, and under the necessary responsibility; but we also wish that the right of the assembly of the province to legislate on these subjects, jointly with the other branches of the legislature, and to exercise in this behalf the other powers of the commons of the country, may receive its full application. We believe we have demonstrated the fatal results of the systems in which this wholesome doctrine has been lost sight of, and the

Further considerations respecting waste lands.

necessity which exists that their effects should be remedied by laws, in making of which we have a right to participate. We should esteem ourselves happy, if this explanation of our views remove any unintentional mistake into which his Majesty's government may have fallen, in construing our former representations. If we have, in them, dwelt more especially on this subject, it is because it was, until lately, enveloped in this province in a system of secrecy, by which the rights of the provincial parliament were violated and rendered nugatory, and which has been most injurious to the interests of the government; and also because your Majesty's ministers seem to agree in the opinion that these matters should be withdrawn from the legislative and parliamentary control of the provincial parliament. If on this occasion we repeat our claims, it is because the more recent opinions of the same servants of your Majesty, have appeared to us to have the same tendency. On the subject of the waste lands, we shall here add, that we consider them as of much greater importance with regard to their free settlement, than with regard to the immediate pecuniary revenue which might be derived from them by disposing of them at too high a price, or in larger portions than would suffice to meet the demands of such of your Majesty's subjects as should be disposed personally to cultivate and settle on them.

It remains for us to address your Majesty on an important Revenue and and extensive subject,—the public revenue and expenditure of expenditure. this province. We humbly thank your Majesty for the gracious declaration, that your Majesty is disposed to admit the control of the representatives of the people over the whole public revenue raised in this province. We regard the fulfilment of this promise as of the highest importance. In stating explicitly in the preceding portions of this address, the rights which we humbly believe to belong to the legislature of this province, with regard to certain parts of this revenue, we wish to present the subject in its true point of view, in order that no misconception may hereafter retard the desired result. In the proposals which it may please your Majesty to make to us for the purpose of attaining this result, it is impossible that your Majesty should lose sight of the essential principles of the constitution, or of the declaratory act of 1778, to the benefit of which we believe the people of this country are peculiarly entitled. We shall receive with respect, and examine with the most scrupulous attention any communication which your Majesty may be pleased to make to us, tending to the settlement of the financial questions. We believe, however, that any merely temporary arrangement, made as a matter of expediency, and not carrying with it the recognition of the principles we have supported, could not have the desired effect, but would sooner or later bring back the very

Fourth reform demanded: complete control over the same.

Necessity of immediate reform insisted on.

Redress of grievances to precede any permanent appropriation of money.

difficulties with which we are now contending.—We humbly represent to your Majesty, that the people of this province, tired of the continued struggle in which they have been so long engaged to obtain the recognition of their rights on the part of the metropolitan and colonial authorities, would regard with painful apprehension the possibility of the recurrence of the same state of things, and of the necessity of making new sacrifices for the purpose of laying these complaints before your Majesty and parliament. We wish for a government which shall assure us freedom and security; the unrestricted effect of your Majesty's declarations can alone confer it on us; and it will be when we possess it, and can entertain a hope of the removal of the grievances and abuses we complain of, that we can properly consider the means of giving effect to your Majesty's wishes with regard to an appropriation of a permanent nature. With respect to the extension of any appropriation of this nature beyond what we have hitherto thought to be reasonable, it will be impossible for us to take the subject into consideration until after the views of your Majesty's government, with regard to the details, shall have been made known to us. We must, however, declare that having represented to your Majesty our views with regard to the efficiency and responsibility which we wish to see established in the provincial government, we should think we failed in our duty to our constituents, if we destroyed that efficiency and that responsibility, by placing, as a general rule, the great public functionaries of the province beyond the reach of the wholesome action of the constitution. We are not actuated by any considerations of a merely pecuniary nature; we believe that the largest sums your Majesty's government could ask for, would be utterly insignificant in comparison with those for which your Majesty's servants in this province have been defaulters, or the enormous sums expended out of the public revenue, without the authority of the provincial legislature, and even in opposition to the votes of this house; or in comparison with the waste of the public property, by which four millions of acres of land or more, scarcely an eighth part of which has yet been settled, have been monopolized or alienated. But we earnestly desire to preserve the benefit of a just control on the part of the legislature over the several branches of the provincial executive, and we can never consent, by renouncing it, to confound all the powers of the state for the time to come.

The pretensions set up by the Executive authority to the exclusive disposal of considerable portions of the public revenue of this province, have been so different and so variable, that we shall ever consider it a fortunate circumstance that the discussion of these questions, as far as principles are concerned, has

been closed by the general declaration for which we have already expressed our gratitude to your Majesty. But we cannot admit that our present claims are at variance with our anterior acts, as your Majesty's Minister supposes. If we could consent to retaliate and continue the discussion, we might say, that the control of the provincial legislature over the sources of revenue in question, has been recognized by a long course of practice; that with regard to the casual and territorial revenue, the message of his Excellency Lord Dorchester, in the year 1794, was then, and has ever since been interpreted in the province, and even by the royal authority, in assenting to divers bills passed by the provincial parliament, in such a manner as to leave no doubt on this subject. We might, then, regard the more recent pretensions of the executive as of a nature altogether unexpected. But, omitting these arguments, we appeal only to the principles of the constitutional and public law of the colony, and the very nature of these sources of revenue, which we believe we have sufficiently set forth.

There is another point connected with the casual and territorial revenue, of which we ought not to omit to speak. The very definition of this revenue, and the particular sources from which it is formed, demonstrate that it extends to all resources which may be derived from your Majesty's public domain in this province. Lord Dorchester, in the message above-mentioned, confirms this conclusion in speaking of the sources of revenue from which no profit had then been derived. And his Excellency Lord Aylmer had, very recently, included the revenue arising from the sale of lands and the cutting of timber, in the casual and territorial revenue. Your Majesty, therefore, will not see without surprise, that your ministers and servants, feeling that the control of the provincial parliament must sooner or later be exercised over the said casual and territorial revenue, compelled, moreover, to acknowledge, that in any case this revenue could not be applied otherwise than to the wants of the civil government and of the administration of justice, and desirous of creating funds which might be otherwise applied, and might enable them to indulge the spirit of favouritism and perpetuate their system of bad government, have endeavoured to separate from the said casual and territorial revenue the most important and extensive portion of it—namely, the whole of the waste lands and saleable timber in this province; and they appear to have assigned to the fund which they thus procured by the sale of the said lands and timber, without lawful authority, the name of your Majesty's hereditary revenue. It is sufficient to examine the purposes to which this part of the revenue has for many years been applied, to be convinced that our opinion of this application is by no means erroneous, and

Casual and territorial revenue: what property included therein.

that these purposes have only an almost infinitely distant relation to the essential wants of the civil government and of the administration of justice, for which the casual and territorial revenue is destined. From this administrative manœuvre it follows, as a necessary consequence, that in the hands of your Majesty's servants to whom the management of the territorial domain is entrusted, the waste lands will be alienated with a view to the immediate increase of this uncontrolled revenue, instead of being managed with a sage foresight, founded on the consideration of the resources which these lands offer for the future, and of their settlement by your Majesty's subjects. It seems to be intended that this revenue should be enormously increased by the proceeds of the sale to the land company. On this latter subject we pray your Majesty to be pleased to exclude from the revenue over which you have been graciously pleased to encourage the hope of seeing the control of the legislature of this province established, all sums arising from alienations in favour of the said company. We hold the unrestrained access to so great an extent of the waste lands to be too valuable to your Majesty's subjects who inhabit this province, or who may hereafter come to settle therein, to allow us to barter away their rights for any pecuniary considerations whatsoever, or by acknowledging the validity of the said alienations. We are therefore bound to abide by the requests herein above made to your Majesty.

Thanks to his Majesty for recognition of the control of the provincial legislature over revenue.

We humbly thank your Majesty that, if we rightly understand your gracious intentions, the announced recognition of the control of the provincial legislature over the whole revenue, extends equally to the sources of revenue thus separated from the casual and territorial revenue. This extension will have the effect of preventing, for the future, the consequences of the system heretofore followed. We observe, however, that your Majesty is desirous of maintaining, under any final arrangement, the charges to the payment of which this particular revenue has hitherto been applied, and which are considered as permanent. We have already expressed our opinion as to the nature of these charges.—Your Majesty cannot doubt our readiness to make every provision which may be necessary to ensure the efficient and beneficial management of the said lands and timber. We shall likewise give our attention to the nature of the other charges, with the view of making the result of our deliberations known to your Majesty's government. We have, however, already declared that we could not recognize the sinecures created under the 'Tenures' act. With regard to the several pensions which have hitherto been paid out of this fund, it is our wish to express no premature opinion here, and we shall merely remind your Majesty that they have hitherto been paid in oppo-

sition to the determinations of this house. If we see the desired arrangement effected, we shall receive with respect, and shall take into consideration with the liberality we have always exercised (regard being had to the circumstances of each case and to the resources of the country), all recommendations from your Majesty requesting appropriations on our part, of the public monies for constitutional purposes.

Having thus exposed our opinions on the essential points of the extracts from despatches which have come to our knowledge, we refer on all other points, to our humble petitions to your Majesty, and your parliament, of the first of March 1834, and the 28th of February 1835, in which we persevere. We beg leave to call your Majesty's royal attention to the essential reforms we have pointed out in the former part of this address, and which we believe to be indispensable. Declaring ourselves unsatisfied with the views and intentions of your Majesty's Ministers, we address ourselves to your Majesty and your parliament, in order that our just claims may be listened to, and that your Majesty's government in this province may be rendered constitutional and responsible, and possess the confidence of your faithful subjects.—We have frequently regretted that the destinies of the inhabitants of this portion of the British Empire should depend almost solely on a Colonial Minister on the other side of the ocean, acting for the most part on incorrect data and on an imperfect knowledge of facts, and left to act on his own responsibility. We also venture humbly to express our regret that in the discussion of colonial questions in general, it has not been thought right to attach sufficient importance to them to place them among the number of those on which the public confidence in your Majesty's government depends.—We have suffered and still suffer from this state of things, and we believe that it would be best remedied by the action, in the province itself, of a government at once popular and respected.

Former petitions referred to.

In the position in which we are placed, and however unjust the projects of the colonial office may appear, it is yet our wish to give your Majesty a proof of our desire for conciliation and peace. We have expressed our regret, that according to the extracts from despatches above cited, even the temporary arrangement alluded to by your Majesty's representative cannot take place unless this House virtually admits the control of the executive over the funds which we believe to belong to us, nor unless these funds remain hereafter, as they have done heretofore, and for a term of which it is impossible to ascertain the extent, subject to charges created by the mere authority of the executive, and which it regards as permanent. We are however, resolved to neglect nothing which can afford to your

Temporary supplies granted.

Majesty and your parliament an opportunity to do us justice, and to the present administration of this province, the means of effecting such reforms as the vices of the system permit them to effect; and we have determined to provide for the expenses of the provincial government for a limited time, regard being had to the circumstances attending the several items, and the resources of the country. We pray that your Majesty will attribute the manner in which we shall endeavour to give effect to the decision we have thus come to, solely to our sincere desire to obtain a better government, and not to any abandonment of the principles we have supported; and that your Majesty will not allow it to be made a subject of reproach to us, when we may again hereafter insist on these principles. It is with the view of maintaining them and of obtaining your Majesty's decision and that of your parliament on the weighty matters we have set forth, and the removal of grievances and abuses, that we have postponed the consideration of the other demands which would have necessitated a further departure from what we believe to be the constitutional rights of the people. We expect full justice from the august tribunal to which we appeal; and we trust that the provincial parliament will be called together for its next session so as to enable us to continue as early as possible our labours for the welfare of our country, and, reassured by the justice and liberality of the measures we expect, to consider the means of finally arranging the difficulties existing in the government of this province, and of giving strength, stability and public confidence thereto.

Wherefore we respectfully entreat your Majesty to listen favourably to our humble prayers, and, as well by the exercise of the august powers which belong more especially to your Majesty, as jointly with the parliament of the United Kingdom, to render full justice to your faithful subjects, and to deliver them from oppressions and bad government, which, through colonial ministers, have so long weighed heavily upon them. And, by inclination led, as well as by duty bound, we shall ever pray for your Majesty's sacred person.





